

MINUTES OF THE MEETING
of the
NEBRASKA BOARD OF NURSING
March 9, 2017

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:37 a.m., March 9, 2017, at Country Inn and Suites, Lighthouse Room, 5353 N. 27th St., Lincoln NE 68521. Copies of the agenda were mailed in advance to the Board members, emailed to interested parties, posted outside the Licensure Unit within the Nebraska State Office Building, and posted on the Department of Health & Human Services website. Straub announced the location of an available copy of the Open Meetings Act within the room.

ROLL CALL

The following board members were present to answer roll call:

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| • Janet Andrew, LPN-C, <i>Board Vice-President</i> | • Kristin Ruiz, RN |
| • Anne Dey, RN | • Dawn Straub, RN, <i>Board President</i> |
| • Maxine Guy, LPN | • Rita Thalken, <i>Public Member</i> |
| • Louise LaFramboise, RN | • Karen Weidner, RN, <i>Secretary</i> |
| • Kristene Perrin, RN | • Katherine Werth, APRN |
| • Patricia Motl, RN | |

No Board members were absent.

The following staff members from the Department and the Attorney's General Office were also present during all or part of the meeting:

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| • Ann Oertwich, RN, <i>Executive Director</i> | • Susan Aerni, <i>Investigator</i> |
| • Sherri Joyner, <i>Health Licensing Coordinator</i> | • Jessica Bowman, <i>Investigator</i> |
| • Jacci Reznicek, RN, <i>Nursing Education Consultant</i> | • Sharon Fitts, <i>Investigator</i> |
| • Kathy Hoebelheinrich, RN, <i>Nursing Practice Consultant</i> | • Pat Lemke, <i>Investigator</i> |
| • Anna Harrison, <i>Compliance Monitor</i> | • Sherri Lovelace, <i>Investigator</i> |
| • Teresa Hampton, <i>Attorney</i> | • Mendy Mahar-Clark, <i>Investigator</i> |
| • Lisa Anderson, <i>Assistant Attorney General</i> | • Dennis Scott, <i>Investigations Unit Program Manager</i> |
| • Ami Huff, <i>Assistant Attorney General</i> | |

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Thalken made the motion, seconded by Motl, to adopt the agenda for the March 9, 2017, Board of Nursing meeting.

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.
Voting No: None. **Abstain:** None. **Absent:** None. **Motion carried.**

These minutes were approved by the
Board of Nursing on April 13, 2017.

APPROVAL OF THE MINUTES

MOTION: Andrew made the motion, seconded by Guy, to approve the minutes of the February 8, 2017, Board of Nursing meeting with corrections.

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.
Voting No: None. **Abstain:** None. **Absent:** None. **Motion carried.**

CLOSED SESSION

MOTION: Guy made the motion, seconded by Andrew, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.
Voting No: None. **Abstain:** None. **Absent:** None. **Motion carried.**

8:47 a.m. Meeting went into closed session. Anderson and Huff left the meeting.
 8:55 a.m. Werth left the meeting.
 9:15 a.m. Anderson, Huff, and Werth returned to the meeting. Hampton and Oertwich left the meeting.
 9:20 a.m. Oertwich returned to the meeting.
 9:26 a.m. Ruiz left the meeting.
 9:30 a.m. Ruiz returned to the meeting. Hoebelheinrich left the meeting.
 9:36 a.m. Hoebelheinrich returned to the meeting.
 9:38 a.m. Perrin left the meeting.
 9:40 a.m. Perrin returned to the meeting.
 10:27 a.m. Straub left the meeting.
 10:31 a.m. Straub returned to the meeting.
 10:45 a.m. Straub left the meeting.
 10:52 a.m. Straub returned to the meeting.
 11:10 a.m. Andrew left the meeting.
 11:12 a.m. Andrew returned to the meeting.
 11:15 a.m. Meeting went into recess.
 11:24 a.m. Meeting reconvened.
 12:00 p.m. Dey left the meeting.
 12:30 p.m. Meeting returned to Open Session.

LICENSURE RECOMMENDATIONS

SHARON K. WALKER – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Weidner made the motion, seconded by LaFramboise, to recommend issuing Sharon Walker a Temporary LPN License for the purpose of completing a refresher course within 18 months, and following successful completion of the course, to reinstate her LPN license without restrictions. The motion is based on no known concerns regarding Ms. Walker's ability to practice nursing.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey. **Motion carried.**

LARRY J. TROSHYNSKI – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: LaFramboise made the motion, seconded by Perrin, to recommend reinstating Larry Troshynski's RN license on probation for three years with the following terms and conditions: abstain from alcohol; abstain from controlled substances and other prescription drugs unless prescribed by the treating practitioner; verification from treating practitioner of all prescription medications; report all prescription medications taken; submit to random body fluid screens; advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings and sponsor; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN supervision for one (1) year; have no access to controlled substances in the course of nursing employment for one (1) year, followed by access to controlled substances under direct supervision for one (1) year; active practice for 3120 hours; notify the Department within seven days of receipt of any criminal citations, filing of criminal complaints, or other contact with law enforcement; provide notice of disciplinary proceedings to employer and other states where licensed; provide quarterly employer reports; shall not provide nursing services for staffing agencies or in home health care; provide written notice to Department of any employment, address or phone changes within seven (7) days; comply with all reports, notices or other documentation from the Department; promptly respond to Department regarding compliance during probation; obey all state and federal laws, rules and regulations regarding practice of nursing and must report any violations of the above to Department within seven days; pay any costs associated with ensuring compliance, and appear at any meetings of the Board of Nursing when requested. The recommendation for probation is based upon: a diagnosis of opioid dependence; misdemeanor convictions rationally related to the profession; disciplinary actions against license in another jurisdiction, and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on applicant's compliance with treatment recommendations and completion of the Kansas Nurses Assistance Program (KNAP).

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, and Weidner. **Voting No:** None. **Abstain:** Werth. **Absent:** Dey. **Motion carried.**

IRENE M. CULLER – RN APPLICATION

MOTION: Weidner made the motion, seconded by LaFramboise, to recommend issuing Irene Culler an unrestricted RN license.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey. **Motion carried.**

KATHERINE R. RISLING – LPN APPLICATION

MOTION: Guy made the motion, seconded by Andrew, to recommend issuing Katherine Risling an unrestricted LPN license.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey. **Motion carried.**

GLORIA L. BRYAN – LPN REINSTATEMENT (NON-DISCIPLINARY)

MOTION: Andrew made the motion, seconded by Guy, to recommend reinstating an unrestricted LPN license to Gloria Bryan.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey. **Motion carried.**

12:36 p.m. *Dey returned to the meeting.*

LYON T. HAZLETON – RN APPLICATION

MOTION: Dey made the motion, seconded by Motl, to recommend issuing Lyon Hazleton an unrestricted RN license.

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.
Voting No: None. **Abstain:** None. **Absent:** None. **Motion carried.**

PUBLIC NOTICE OF MEETINGS

MOTION: Guy made the motion, seconded by Perrin, that the Board continue to give public notice of its meetings by posting agendas at the Nebraska State Office Building, posting agendas on the Department website, and emailing agendas to the interested parties list.

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.
Voting No: None. **Abstain:** None. **Absent:** None. **Motion carried.**

STRATEGIC PLAN PROGRESS REPORT

Members complimented Oertwich on the updates she added to the Board's strategic plan. They suggested adding page numbers to the plan and expressed interest in ensuring that the "progress/outcomes" section include contributions made by both staff and Board members.

APRIL 12, 2017, ISSUES FORUM

Members expressed interest in holding a forum that focused on topics related to addiction and dependency. Weidner suggested including an update to evidence-based discipline recommendations for licensees with substance abuse disorders. Oertwich reported that the Department is reviewing the standard probationary recommendations, and that Matt Gelvin and Juan Ramirez are trying to pull data from the licensing system in order to do additional research on the subject. Weidner suggested that an Issues Forum might also include information that Oertwich presented at Nurses' Day at the Legislature on delegation, direction, and monitoring. Oertwich said she is working on incorporating these subjects into a jurisprudence continuing education module. Another potential topic suggested by members for an Issues Forum was telehealth.

2017 LEGISLATION UPDATES

Oertwich reported that LB255, which would create a Dialysis Patient Care Technician Registry, and LB425, a "clean-up bill" for the Nurse Practitioner Practice Act, have advanced to the General File. A hearing on LB466, which would eliminate the practice agreement requirement for nurse midwives, was held on March 3, 2017. Oertwich reported that there was a possibility that the bills on dialysis techs, incorporation of IV skills into the LPN scope of practice, adoption of the Enhanced Nurse Licensure Compact, and other nursing-related topics might be incorporated into LB88, which is a priority bill for Sen. Blood. Straub said incorporation of these proposals into LB88 would better ensure that the items come up for a vote. Oertwich said she thought education was needed on how language regarding the Enhanced Nurse Licensure Compact had to be adopted as is and could not be changed.

1:45 p.m. *LaFramboise and Ruiz left the meeting.*

Oertwich said that because the Enhanced Nurse Licensure bill was introduced on behalf of the Governor, the Department is limited in what it can do to support the bill. Members reviewed informational handouts about the Enhanced Nurse Licensure Compact and suggested that these materials could be sent to Senators. Straub suggested emailing members of the Legislature's Health and Human Services Committee if LB342 (the Enhanced Nurse Licensure Compact bill) and LB283 (the LPN/LPN-C bill) do not get out of committee by the end of the week. If the bills do get out of committee or General File, Straub suggested emailing every State Senator. Oertwich and Hoebelheinrich offered to draft the emails.

MOTION: Weidner made the motion, seconded by Thalken, that the Board of Nursing submit a letter to Senators of the Health and Human Services Committee and subsequently to all Senators in support of LB342 and LB283.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise and Ruiz. **Motion carried.**

Oertwich reported that staff have concerns about LB439, which proposes changes to requirements for assisted-living facilities. Staff are concerned that language in the bill concerning complex nursing interventions is inconsistent with the regulations and statutes governing the practice of nursing. Oertwich said staff are also concerned that the bill might lead to the closure of some long-term care facilities. Hoebelheinrich said she thought the bill was poorly written. Oertwich said she has reached out to the Nebraska Nurses Association to make them aware of these concerns. Oertwich said she will also reach out to Shannon Anderson of the Nebraska Health Care Association.

MOTION: Perrin made the motion, seconded by Andrew, that the Board of Nursing send a letter to the Health and Human Services Committee in opposition to LB439 based on the conflicting interpretation of the Nurse Practice Act.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise and Ruiz. **Motion carried.**

COMMUNICATION

Staff Updates

Oertwich reported that a temporary Licensing Specialist has been working for the Nursing Section for approximately a month. A permanent Licensing Specialist has been hired and is expected to start on March 15th.

NCSBN Midyear Conference

Straub, Weidner, Oertwich, and Hoebelheinrich are scheduled to attend the National Council of State Boards of Nursing (NCSBN) Midyear Conference. Oertwich will also attend a meeting for Nurse Licensure Compact members, and Straub will attend a meeting for board presidents.

Nursing News

Staff expect the Spring 2017 edition of *Nursing News* to be published soon. Joyner said that Motl and Werth were welcome to submit biographical pieces for publication in the Summer 2017 edition.

CENTER FOR NURSING & FOUNDATION UPDATE

Oertwich reported that the proposal to make the Nebraska Action Coalition (NAC) an auxiliary organization of the Center for Nursing Foundation is still under discussion with lawyers. Members requested that Juan Ramirez, contractor for the Center for Nursing, make a presentation at the Board of Nursing meeting in April.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:25 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator